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09/190,309	11/12/1998	DANIEL R. SCHNEIDEWEND	RCA89.041	6495

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EXAMINER	
SALCE, JASON P	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/190,309	SCHNEIDEWEND ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/20/2005 have been fully considered but they are not persuasive.

Applicant argues that Roop does not disclose the use of a second time-of-day clock as shown and described by the present invention. The examiner notes Roop clearly teaches a second time of day clock in the form of a daylight savings time change command (see Column 40, Lines 18-32 and Column 41, Lines 1-23), therefore teaching a second-time of day clock based on said received current time information.

The examiner notes that the ATSC specification teaches a Standard for System Information (SI) and Program Guide (PG), where the Program and System Information Protocol (PSIP) can be applied. The PSIP teaches the equivalent System Time Table (SST) data and program schedule data derived from an Event Information Table (EIT), both pieces being of an MPEG compliant data stream (see Pages 1-2 of the PSIP ATSC Standard). The standard also further teaches that the PSIP further contains Daylight Savings Time Control similar to that of Roop's daylights savings time correction data. Further note that on Page 14, Table 6.1, the specification clearly teaches that the STT includes a daylight savings field.

Clearly, at the time the invention was made, it would have been obvious to modify Roop's video signal transmission system, which includes a daylight savings time correction system (sent in the video transmission signal), using the ATSC MPEG compliant transport stream, which includes PSIP data transmitted in the video signal

(which also includes daylight savings time correction data), such as the STT and EIT, as taught by the PSIP ATSC standard, for the purpose of providing a collection of hierarchically arranged tables for describing system information and program guide data (see Page 11, Lines 1-2).

Applicant also argues that the second time of day clock of applicant's invention is not at all related to the daylights savings correction referred to in Roop and notes Page 6, Lines 9-39 and Page 14, Lines 5-15 of Applicant's specification. The examiner notes that the claims are broad and do not specify any differences between any type of daylight savings time correction methods stated by Applicant's own specification. Again note the claims are broad and no daylight savings process is even set forth, the examiner only notes the daylight savings process in the previous art rejection in relation to the broad claim limitations.

Applicant also argues that Roop does note teach that the processor provides a second time of day clock based on the received current time information (see again Column 39, Line 27 through Column 40, Line 32 and further note that Roop clearly teaches a subscriber unit 52 in Figure 5, which clearly teache3s a microprocessor 100, which Roop clearly states is, "The heart of the TVRO Subscriber Unit 52...microprocessor controls all sections of the Subscriber Unit"). Therefore, Roop's processor provides the functions necessary to provide a second time of day clock (daylight savings time correction data) based on the received current time information (incoming time, which includes the daylights savings time correction data).

Applicant also states that Roop does not disclose that the processor initiating the user selected processing function based upon the second time of day clock. As stated in the previous Office Action, Roop clearly teaches tuning to a new channel through an EPG interface (see Column 14, Line 49 through Column 15, Line 25). The examiner stated that if the daylight savings time correction feature is utilized, then when a user issues a command to tune to a new channel through the user interface of Roop, then the processor would initiate the user selected processing function (select a new channel) based on the second time of day clock (channel selection would take place AFTER the daylight saving time correction data has been applied).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roop et al. (U.S. Patent No. 5,619,274) in view of the Program and System Information Protocol for Terrestrial Broadcast and Cable document (herein referred to as the ATSC document).

Referring to claim 1, Roop discloses a video decoder system (see Figure 5) for receiving a plurality of programs from corresponding program sources (see multiple sources of programs in Figure 3 and Column 9, Lines 23-31).

Roop also discloses an electronic program guide (EPG) means including a processor and stored program schedule (see Column 17, Line 1 and Column 16, Lines 61-62, respectively), said EPG means operable by a user to select a program from said plurality of programs and to select a program processing function for said selected program (see Column 14, Line 49 – Column 15, Line 7).

Roop also discloses a tuner operable by said processor to tune said video decoder (see Column 42, Lines 46-53 for a command containing information to tune a TV to a desired channel) to receive packetized information for said user selected program (see Column 9, Lines 39-53 for receiving packets that contain messages and command which describe and control the program schedule and various receiver functions), including current time reference information from a corresponding program source (see Column 39, Lines 27-67 for receiving a current time command).

Roop also discloses a first time-of-day clock for timing said tuning in accordance with said stored program schedule (see again Column 39, Lines 27-67 for providing the receiver with a current time of day, therefore the system is provided a first time-of-day clock to tune a video program (see Column 42, Lines 46-53 for tuning a video program)).

Roop also discloses that the processor is programmed to provide a second time-of-day clock based on said received current time information (see Column 40, Lines 18-32 and Column 41, Lines 1-23 for providing daylight savings time, which is used to correct the current time in the event that a daylight savings time needs to be invoked,

therefore the new time, provided by the daylight savings time is based on the current time).

Roop also discloses that the processor initiates said user selected processing function based up said second time-of-day clock (the examiner notes that if daylight savings time has been corrected, when the user tunes to a new channel, then the user selected processing function would inherently be based on the corrected time).

Roop fails to teach an MPEG compliant data stream with an SST and EIT table.

The ATSC document teaches that a current time reference information comprises a System Time Table (SST) data of an MPEG compliant data stream (see Pages 1 and 11-12), and wherein said stored program schedule is derived from an Event Information Table (EIT) of an MPEG compliant data stream (see Pages 1 and 11-12).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the data transmitted from the servers in packetized form, as taught by Roop, to adhere to the MPEG standard with STT and EIT tables, for the purpose of providing a collection of hierarchically arranged tables for describing system information and program guide data (see Page 11, Lines 1-2 of the ATSC document).

Claim 2 corresponds to claim 1, where Roop discloses that the current time reference information provides a current time-of-day indication (see Column 39, Table IX for the "Time" field).

Claim 3 corresponds to claim 1, where Roop discloses a display for displaying a current time-of-day to a user (see Column 39, Table IX for the "default time offset" field and Column 40, lines 19-22).

Roop also discloses that said second time clock providing an output for updating said displaying current time based upon said current time reference information (see Column 40, Lines 19-32 and Table X).

Roop also discloses a filter for filtering said output such that any discontinuity in the current time reference information is prevented (see the Daylight Savings Time Change Command in Column 39 and note that automatically changing the current time according to the corrected Daylight Savings time prevents any possible discontinuity), and providing said filtered output to said display (see Column 40, Lines 19-22).

Claim 4 corresponds to claim 1, where Roop discloses displaying as a user selected processing function (see Column 40, Lines 50-67 and Column 41, Lines 1-25 and further note all aspects of the user interface at Column 14, Line 50 through Column 15, Line 25).

Claim 5 corresponds to claim 4, where Roop discloses program transmission (see Column 9, lines 23-31).

Claim 6 corresponds to claim 1, where Roop discloses that a processor terminates a selected program processing function based upon said second time-of-day clock (see Column 14, Lines 44-52 for terminating a record function according to it's stop time, therefore if a Daylight Savings time correction occurs and a stop time is

detected, the program recording will be terminated at the proper time, therefore the terminated processing function would be based on the second time-of-day clock).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roop et al. (U.S. Patent No. 5,619,274) in view of the Program and System Information Protocol for Terrestrial Broadcast and Cable document (herein referred to as the ATSC document) in further view of Landis et al. (U.S. Patent No. 5,561,461).

Claim 7 corresponds to claim 1, where the ATSC document discloses that the STT data includes a time reference indicator (see Page 14) and associated correction data (see Page 46) sufficient to establish a time of transmission by said corresponding broadcast source (the time the program will air).

Roop and the ATSC document fail to teach that the time of transmission is correct to within about plus or minus 4 seconds.

Landis also discloses a television receiver that is capable of receiving a time correction command, which is accurate to within seconds, therefore teaching accurate to within about plus or minus 4 seconds (see Column 3, Lines 1-7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television receiver, as taught by Roop and the ATSC document, using the enhanced television receiver that receives a time correction command, as taught by Landis, for the purpose of maintaining accurate time (see Column 6, Lines 6-8 of Landis).

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

January 4, 2006